IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7602 of 2004

Between:

1. Ushodaya Municipal Public Health Ex Employees Families Welfare Association, (Regd.No.145/98), rep. by its Manager Ch. Raja Krishna, S/o Venkaiah, aged 26 years, R/o Narasaraopet.

2. The Harijana Labour Contract Co-op. Society, Kakani, Narasaraopet, (Regd-Z-723), rep. by its Manager, M. Venkaiah S/o Kotaiah, aged 56 years, R/o Kakani.

...PETITIONERS

AND

1. The Mangalagiri Municipality, rep. by its Municipal Commissioner, Mangalagiri, Guntur District.

2. The Municipal Engineer, Mangalagiri Municipality, Guntur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 1st respondent in not giving the tender schedules to the petitioners free of cost and without insisting on payment of EMD and in not reserving at least 15% or more of all the works, including sanitation works in the Short Tender Notice called for by the 1st respondent in Roc.No.87/F1/2004 dated .04.2004, which was published in Eenadu Daily, Guntur Edition on 14.04.2004 , as illegal, arbitrary and unconstitutional and consequently direct the respondents (1) To reserve at least

15% or more of all works, including sanitation works, for entrustment to the petitioners without participating in the tenders, (2) To issue the tender schedules to the petitioners free of cost and without insisting on payment of E.M.D. in all the tenders, including the said tender notice issued by the respondent.

Counsel for the Petitioners: MR.P.GOVIND REDDY

Counsel for the Respondents: MR.SRINIVAS DAMMALAPATI, Standing Counsel.

The Court made the following:

ORDER:

The Writ Petition is filed by Ushodaya Municipal Public Health Ex-Employees Families Welfare Association, praying this Court for a Writ of Mandamus declaring the action of Mangalagiri Municipality in not giving tender schedules to the petitioners free of cost and in not reserving 15% of the sanitation works to the societies and the petitioners as illegal and unconstitutional. This Court while admitting the Writ Petition on 22.04.2004 passed the following interim order.

1st respondent to issue the tender schedules to the petitioners free of cost and without

insisting on payment of EMD in respect of all the tenders including the works mentioned in the short tender notice called for by him in ROC.No.87/F1/2004, subject to fulfilling of the conditions prescribed in G.O.Ms.No.581, dated 06.11.1996 pending disposal of the main Writ Petition.

A reading of the above interim order passed by this Court would show that the relief prayed in the main Writ Petition itself has already been given and nothing survives in the Writ Petition. If the petitioners have already submitted tender, the same shall be considered in accordance with the G.O.M.S.No.30, Municipal Administration & Urban Development (S2) Department, dated 18.01.2000 and other orders of the Government dealing with reservation of the works of sanitation to the societies of ex-sanitation employees.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

1st September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Municipal Commissioner, Mangalagiri Municipality,
   Mangalagiri, Guntur District.
2. The Municipal Engineer, Mangalagiri Municipality, Guntur District.
3. Two CD copies.